

MINUTES
SUBSTANCE ABUSE SERVICES COUNCIL
JUNE 24, 2015
VIRGINIA ASSOCIATION OF COMMUNITY SERVICES BOARDS
RICHMOND, VIRGINIA

MEMBERS PRESENT:

Stephanie Arnold, *Department of Criminal Justice Services (DCJS)*
Diane Williams Barbour, *Virginia Certification Board (VCB)*
The Honorable George L. Barker, *Virginia State Senate*
Jo Ann Burkholder, *Department of Education (DOE)*
Jennifer Farinholt, *Alcoholic Beverage Control (ABC)*
B. Marshall Graham, *Department of Corrections (DOC)*
Henry Harper, *Virginia Foundation for Healthy Youth (VFHY)*
Parham Jaber, MD, *Department of Health (VDH)*
Terrell Kingwood, *Legislative Aide to the Honorable Scott W. Taylor, Virginia House of Delegates*
Belle Kirby, *Department of Medical Assistance Services (DMAS)*
Jamie MacDonald, *Virginia Association of Community Services Boards (VACSB-Prevention Council)*
Art Mayer, *Department of Juvenile Justice (DJJ)*
Charlene Motley, *Commission on the Virginia Alcohol Safety Action Program (VASAP)*
Ron Pritchard, *Virginia Association of Addiction Professionals (VAAP)*
Mellie Randall, *Department of Behavioral Health and Developmental Services (DBHDS)*
Zandra Relaford, *Department of Social Services (DSS)*
Matt Wells, *Department of Motor Vehicles (DMV)*
Keith Westbrook, *Legislative Aide to the Honorable Delores McQuinn, Virginia House of Delegates*
William H. Williams, Jr., *Virginia Association of Community Services Boards (VACSB-SA Council)*

GUESTS:

Kimberly Burke, *Department of Motor Vehicles (DMV)*
Captain Paul Cleveland, *Fairfax County Police Organized Crime and Narcotics Commander*
Lieutenant Kevin M. Hood, *Virginia State Police, Counter-Terrorism and Criminal Interdiction Public Transportation Team*
Christine Johnson-Goode, *Certified Alcohol and Drug Counselor (CADC)*
Molly MacBean, *Gerontology Student, Virginia Commonwealth University (VCU)*
Detective Joseph Partin, *Chesterfield County Police Department*
Dana Schrad, *Executive Director, Virginia Association of Chiefs of Police*
Denise Thomas-Brown, *Substance Abuse and Addiction Recovery Alliance (SAARA)*
Trooper Aubrey B. (Byron) Treakle, *Virginia State Police, Counter-Terrorism and Criminal Interdiction Public Transportation Team*
Marla Watson, *Substance Abuse Free Environment (SAFE) of Chesterfield County*
Regina Whitsett, *Substance Abuse Free Environment (SAFE) of Chesterfield County*
Sergeant Keith Winingear, *Vice and Narcotics, Norfolk Police Department*

STAFF:

Lynette Bowser, *Department of Behavioral Health and Developmental Services (DBHDS)*
Margaret Anne Lane, *Department of Behavioral Health and Developmental Services (DBHDS)*
Karen Taylor, *Office of Attorney General (OAG)*

- I. WELCOME AND INTRODUCTIONS:** The meeting was called to order by the Council Chair, William H. Williams, Jr. The Chair welcomed members and guests and asked all attendees to introduce themselves. Ms. Lane thanked Ms. Whitsett for help in putting the panel together for today's meeting.
- II. REVIEW & APPROVAL OF MINUTES OF MAY 13, 2015 MEETING:** A motion was made by Charlene Motley and seconded by Ron Pritchard to accept the minutes as presented. The motion was carried.
- III. OLD BUSINESS**

- **UPDATE ON THE GOVERNOR'S TASK FORCE ON PRESCRIPTION DRUG AND HEROIN ABUSE and UPDATE ON THE *REVIVE!* PROJECT**

Ms. Randall reported on the Governor's Task Force on Prescription Drug and Heroin Abuse. When the task force presents its report to the Governor, SASC members will be sent a link to view the report. The task force has focused on the huge toll (number of lives lost, impact on productivity, health, and criminal justice resources, etc.) that prescription drug and heroin abuse has taken on Virginia. Ms. Randall noted the focus of each workgroup:

- The *Storage and Disposal* workgroup looked at the impact of the DEA's change in regulations for disposal, the new role for local law enforcement, and how disposal will be paid for.
- The *Education* workgroup looked at public education, education for providers, and specific education for targeted at-risk populations.
- The *Treatment* workgroup developed recommendations focused on improving access to treatment, particularly medication assisted treatment, which is the best practice for addiction to opioids. It also supported additional drug courts and discussed specific populations (women with children, pregnant women, and youth) and how to secure additional resources for treatment.
- The *Data and Monitoring* workgroup discussed improving the prescription monitoring program and getting more physicians to use it. They also considered how to improve interoperability with other states.
- The *Enforcement* work group recommended use of naloxone by law enforcement, "safe" reporting of overdoses and diversion to treatment.
- The task force's report will be presented to the Governor for his review and then will be made public. The task force will hold a final meeting in September, and will sponsor a meeting in Roanoke in November to disseminate its findings to the public.

Ms. Randall reported on *REVIVE!*, the state's opioid overdose reversal project, which is being implemented statewide. Training events have been conducted to teach individuals how to administer naloxone.

IV. NEW BUSINESS

- **Presentations and Panel Discussion: "*Marijuana in the Commonwealth: Experience, Perspectives and recommendations from Members of Virginia's Law Enforcement Community*"**

Captain Paul Cleveland, Fairfax County Police Organized Crime and Narcotics Commander

Captain Cleveland stated that the nationwide perception of marijuana has changed drastically. In the past, police went out, conducted undercover “buys,” and used SWAT teams for enforcement. Since some states have legalized marijuana, response has become more ambiguous. In Fairfax there is a changing perception of how the SWAT team should be used. Previously, its use was based on the Supreme Court decision that if the police have a drug search warrant, they can use a SWAT team to execute the search warrant. Today, every search warrant that is written has to be scrutinized to decide if it is appropriate to use a SWAT team.

Marijuana is a game changer, a money maker, leading to violent confrontations associated with dealing. In Fairfax there are indoor grows that produce hundreds of thousands of plants. With the sale of those plants, there is a greater chance for robbery, home invasion, and violent armed encounters. In states that have legalized it, assaults, crimes against persons, and robberies have increased dramatically. Fairfax is seeing a huge number of parcels shipped from other states via FedEx, UPS, and the postal service. The high volume of THC found in marijuana today affects the treatment services community and impacts the court process.

Detective Joseph Partin, Chesterfield County Police Department

Detective Partin noted recent trends related to marijuana in his jurisdiction since it was legalized in other states. He reported some of the problems with using and with distribution, and presented statistics from 2010-2015 on the number of arrests for distribution. He stated that the number of marijuana grow operations has significantly decreased due to the increase of marijuana being imported from states where it is legal. It is extremely hard to find low grade marijuana anymore; the only strand presently available is high grade marijuana. He reported six homicides in his area that were directly related to the distribution of marijuana. Three were of someone going to purchase one ounce of marijuana.

Many people are affected by crime where marijuana is involved, and many arrests are associated with parcel interdictions. Since there is a lot of money to be made selling high grade marijuana, most dealers are having the product shipped in. There is a large amount of cash involved in dealing with marijuana, increasing risk of robbery. He believes that states that have legalized will also see an increase in robberies at legal dispensaries, putting citizens at risk of violence. Detective Partin stated that there is a lot of violence associated with selling marijuana and that the greatest risks with legalization will come from robberies, burglaries and violent crimes.

Lieutenant Kevin M. Hood and Trooper Aubrey B. (Byron) Treacle, Virginia State Police, Counter-Terrorism and Criminal Interdiction Public Transportation Team

Lieutenant Hood and Trooper Treacle provided an overview of how their team operates within the Virginia State Police. The team is primarily responsible for the day-to-day operations of intercepting and interdicting parcels. A lot of marijuana is being grown in Virginia, particularly in the western part of the state. There is also a substantial amount of marijuana currently being shipped into the Commonwealth through various modes such as parcels and freight. In 2014, the team seized 377 pounds of marijuana with a street value of over \$1 million. In the first five months of 2015, the team has seized about 1,100 pounds of marijuana with a street value of over \$500,000. Most of the shipments are coming from California; there have also been parcels from Colorado, Washington State and Arizona. Drug trafficking organizations are integrating the

shipment of marijuana into complex schemes incorporating legitimate businesses. Marijuana is being comingled with other illicit materials such as cocaine and prescription medication, and also food products.

Marijuana generates a substantial amount of money for individuals and criminal organizations. Lt. Hood stated that THC oil extractions are hitting the market; this trend is growing very quickly because the oil is very profitable. Some of the dangers of extracting THC are that the oil has very high levels of THC (30-80 percent compared to 7 percent, which is the “dirt” marijuana, and 35 percent with hydro marijuana). Regarding the amount of marijuana being shipped into Virginia, in June, the team worked with DEA, ICE, and postal inspectors in Henrico County. On two nights in the Richmond Metro area, 15 parcels containing marijuana were seized. Seizures included 129 pounds of marijuana with a street value over \$700,000, 15 fluid ounces of THC oil with a street value of \$1,500, and \$25,000 in cash. All of the parcels came from California or Arizona. Lt. Hood emphasized three key messages: the increased volume of marijuana; the complexity of shipping operations; and the money that is being made.

Sergeant Keith Winingear, Vice and Narcotics, Norfolk Police Department

Sergeant Winingear stated that there has been a significant increase in marijuana seizures in the Hampton Roads area. In one instance, dealers were bringing in 2,700 pounds of marijuana every two weeks; their records showed \$2-\$3 million in sales per month. There has been an increase of marijuana shipped through private carriers, such as FedEx and UPS. He stated that grow operations in the Hampton Roads area have been reduced because it is much simpler to have it shipped in. FedEx, UPS and the postal service are thought to be the largest carriers of narcotics in the United States. In Norfolk, 185,000 grams of marijuana (about 409 pounds) were seized through interdiction in the first six months of 2015. There has also been an increase in the amount of edibles being shipped into this area. Hampton Roads has seen an increase in seizures of marijuana from Atlanta, Colorado, Oregon, and Washington State. Hampton Roads is also seeing more deliveries of medical marijuana, which is illegal in Virginia, even with a medical marijuana card from another state.

Now that marijuana is decriminalized in Colorado, the new trend is to get the strongest or highest THC content possible. THC content has increased from 1-4% purity to 13% normal with an upper limit seen at 37% purity. With marijuana this pure, people are not accustomed to smoking something so strong, which greatly increases health risk. One of the biggest issues in Colorado is that there have been many calls to poison control centers because people think that they are dying from such strong content. Sergeant Winingear described butane extractions and showed pictures the extraction devices. The extraction process essentially creates a pipe bomb. Butane Hash Oil (BHO) is 70-90% pure THC. Butane is highly explosive; it takes just a spark to create an explosion. This process is becoming an issue around local college campuses. In Colorado several other issues have also plagued the state since decriminalization. A black market still exists in Colorado, making up about 40% of sales. Because money from the sales cannot be put into a federally insured bank, the marijuana industry is considering starting its own banking industry. Colorado is having issues in schools. Students have little concern about marijuana, and school resource officers report seeing use at a higher rate than ever. Reports to poison control have increased for youth due to consuming edible marijuana. In Colorado, prior to legalization of

marijuana, there were 106,000 medical marijuana licenses in 2012; there are now 115,000 licenses; 94% are issued for severe pain, which cannot be objectively verified.

Ms. Dana G. Schrad, Executive Director, Virginia Association of Chiefs of Police

Ms. Schrad discussed drug policy in the Commonwealth. In the mid-1990s, Virginia received funding for substance abuse treatment and prevention. Since then, policy issues surrounding addiction have become more complicated due to a shift in social norming, particularly around the use of marijuana. The presentations by law enforcement provide a view of narcotics trafficking that the public does not see on a day-to-day basis. Social norming and myths around decriminalizing or legalizing marijuana can lead to bad policy decisions. Decriminalizing and legalizing marijuana will not get rid of the black market; in many instances, it enhances it. Also, taxing marijuana is not an appropriate revenue source since legalizing it would have an adverse effect on public safety. Ms. Schrad believes that marijuana is a gateway drug for youth. It changes their value system and may introduce them to the criminal community and a violent drug culture. In working with the International Association of Chiefs of Police on policy development, Virginia officials looked at Colorado statistics. Colorado fatalities involving drivers testing positive for marijuana have increased 114% between 2006 and 2011. Youth admissions into Emergency Rooms for marijuana-related incidents also increased. The Department of Health and Human Services in Colorado reported that youth age 12-17 is the leading age group represented in drug-involved Emergency Room admissions. Officials have also documented major increases in exports of marijuana from Colorado to other states. In states that have decriminalized or legalized marijuana, there are too many gray areas creating other kinds of problems (e.g., economic problems, finding enough treatment and education services, and problems with bordering states).

Captain Cleveland agreed and added that Fairfax is currently dealing with a large heroin epidemic. One of the unintended consequences is that officers are becoming more and more like social workers. There are diversion programs available, but rehabilitation is expensive and most users cannot afford it. When there is an overdose, police are usually the first responders and have to decide whether to take the person to treatment or to diversion, which uses up police resources. Also, without the ability to arrest users and get information, there is no incentive for users to identify dealers. Without informants, law enforcement is not able to get to the dealers or to the criminal enterprises.

- **Discussion:**

Members raised questions about diversion, rehabilitation, legalization, and decriminalization. Stephanie Arnold recommended that diversion and rehabilitation efforts be adequately funded, conducted correctly, and given sufficient time to achieve solutions.

Senator Barker commented that legalization or decriminalization will clearly result in more people using marijuana. He expressed concern for societal implications and emphasized that potential impacts be carefully considered before changing policy. He noted that the recent initiative related to cannabinoid oil use was for a very specific diagnosis and that the legislation was very restrictive. He stated that this is the type of cautious approach that should be followed.

Ms. Randall commented that in addition to insufficient funding of publicly-funded treatment programs, Virginia also lacks private treatment resources. She noted that there is a serious issue due to an aging workforce and poorly compensated jobs.

Mr. Pritchard stated that there is a tendency for the law enforcement and justice system to believe that substance abuse treatment is the cure for criminal behavior, so dealers are sent into substance abuse treatment rather than to jail.

Sergeant Winingear commented that law enforcement does not have the manpower or the funding to find diversion opportunities. When they go to a call they have to assess whether the person is having a mental health issue, an overdose, is under the influence of some type of drug, and, at the same time, worry about officer safety and the safety of the community.

Ms. Thomas-Brown noted that recovery from addiction is a process. She stated that people go through diversion and are given a second chance, but go back into the same environment when they are released. With a felony conviction, they are not able to find jobs, better housing, etc. to change and improve their lives.

Ms. Burkholder recommended efforts in education, prevention and early intervention rather than waiting until an individual has to be diverted or sent to drug court. Most users begin using by the time they are about 12 or 14 years old, which affects their cognitive development. With illegalization, marijuana use is going to increase in schools. Education can provide the structure to intervene, case-manage, and apply prevention strategies. Ms. Schrad supports greater investment in prevention, but recognizes that it doesn't yield immediate results, especially within a re-election cycle, which is why it is difficult to get commitment to prevention funding.

Mr. Harper referenced "supply and demand" in relation to drugs, noting that demand must be very high because the supply is increasing annually. He believes that Virginia needs to address demand. Supply generates money. Colorado legalized marijuana because there is a large amount of money involved, which drives decision-making.

Dr. Jaberri asked about the differences between decriminalization and legalization and what these actions would mean for law enforcement departments and communities. Captain Cleveland stated that either process needs to be carefully implemented. Decriminalization should not be done without careful planning for implementation. He believes that there can be legitimate medicinal uses for marijuana, but that over-prescribing leads to problems, similar to issues with over-prescribing opioids. Detective Partin recommended strict regulation of prescribing protocols. If you legalize marijuana, use is going to go up drastically and addiction problems will increase. This directly affects law enforcement because they will be dealing with those problems. Sergeant Winingear commented that the black market is not going to go away. He noted that states that have decriminalized or legalized it have established levels or set limits to what an individual can obtain. Ms. Schrad commented that the legalization or decriminalization argument is moot because marijuana is still illegal under Federal law. If states decriminalize or water down the enforcement of their state laws, it doesn't change the fact that it is still illegal federally. As long as we have that conflict, this will remain a confusing legal issue across the country.

Mr. Pritchard commented that he doesn't think the legalization of alcohol led to more alcoholics or increased stress on law enforcement to get them off the streets. He does think that when alcohol was legalized, there was not enough research to know how much treatment money was going to be required to deal with it. He stated that marijuana legalization is moving fast because there is so much advertising money behind it, similar to tobacco advertising. He noted the need for more research. Ms. Schrad agreed with the need for reliable research, and she pointed out that the National Highway Traffic Safety Administration is doing some research and preparing guidance for how legalization might impact highway safety.

Ms. Barbour reported that, as a probation officer, she supervises people who say "as soon as I get off probation, I am going to smoke weed." The problem, she notes, is major and making a decision to decriminalize or legalize marijuana is something that we should not even be thinking about. Mr. Williams commented that problems will increase rather than decrease if we legalize a new type of addiction. He stated that the information provided by the panel today should make us think very hard about recommending decriminalizing or socializing another drug.

On behalf of the Council, Chairman Williams thanked the panel members for an excellent presentation and discussion.

V. PUBLIC COMMENT

-Ms. Molly MacBean, a graduate student in VCU's School of Gerontology, who is studying substance abuse and older adults, stated that people who matured during the 1960s and 1970s may not understand that today's marijuana is much more potent than the substance they remember. With age, they may be seeking relief from chronic pain and requesting prescriptions for medical marijuana. Ms. MacBean stressed the importance of providing accurate information to help older adults live as well and as healthfully as possible.

-Ms. Christine Johnson-Goode, a certified alcohol and drug counselor, questioned why doctors may be over-prescribing pain medication and how pharmacies can be better regulated in dispensing medications.

VI. DISCUSSION REGARDING COUNCIL'S RECOMMENDATIONS

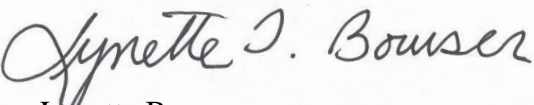
Ms. Lane reminded members that the SASC Annual Report to the Governor and General Assembly must be submitted by August 17th. At the council's August 5th meeting, members will review, discuss, and decide their recommendations to be included in the *Conclusion and Recommendations* section of the Annual Report. To review previously presented recommendations in-depth and to generate additional recommendations for consideration, members divided into breakout groups organized around the following topics:

- Prevention/Education/Social Impact/Community
Facilitator: Jo Ann Burkholder; *Recorder/reporter:* Jennifer Farinholt
- Public Safety/Law Enforcement/Justice
Facilitator: Stephanie Arnold; *Recorder/reporter:* Marshall Graham
- Public Policy/Legal Aspects/Laws and Regulations
Facilitator: Charlene Motley; *Recorder/reporter:* Zandra Relaford

The *Key Points* document, which summarized medical, scientific and public policy aspects of the marijuana discussion in 2014, was distributed to each group, as well as the list of recommendations included in the presentation by Ms. Sandidge and Ms. Whitsett. The facilitators led the discussion in their groups, and the recorder/reporters took notes, gave brief verbal summaries, and were asked to send short follow-up reports to Ms. Lane. Facilitators and the rest of the council members were also encouraged to send their observations and comments. Ms. Lane will use the input received to draft the *Conclusion and Recommendations* section of the Annual Report for members to review at the August 5th meeting.

VII. ADJOURNMENT: There being no further business, the meeting was adjourned.

Respectfully submitted,



Lynette Bowser